

**BOARD OF SUPERVISORS**

**GILA COUNTY, ARIZONA**

Date: December 7, 2004

**JOSÉ M. SANCHEZ**

Chairman

**JOHN F. NELSON**

Clerk of the Board

**RONALD A. CHRISTENSEN**

Vice-Chairman

By: Marilyn Brewer

Deputy Clerk

**CRUZ SALAS**

Member

Gila County Courthouse  
Globe, Arizona

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PRESENT: José M. Sanchez, Chairman; Ronald A. Christensen, Vice-Chairman; Cruz Salas, Member; John F. Nelson, County Manager/Clerk; and, Daisy Flores, County Attorney.

The Gila County Board of Supervisors met in Regular Session at 10:00 a.m. this date. Supervisor Salas led the Pledge of Allegiance and Jeremy Goodman delivered the Invocation.

At this time each Board member presented a brief summary of current events as allowed by A.R.S. §38-431.02(K). No action was taken on any items that were presented.

Leon Lenox of the Canyon Domestic Water Improvement District read aloud and then presented letters of appreciation to the Gila County Board of Supervisors and the Public Works Division from the Canyon Domestic Water Improvement District.

At 10:30 a.m., a public auction was held for the sale of real property located in Gila County that was deeded to the State of Arizona in 2004. The Board addressed each parcel separately. Chairman Sanchez called upon Marian Sheppard, Chief Deputy Clerk, to advise the public of the bidding procedures. For each parcel, Chairman Sanchez asked for bids three separate times. The auction results are as follows:

Tax Parcel #	Lien Amount	Sale Amount	Purchaser's Name
101-07-210-7	\$1,024.67	-	-
206-09-122-5	\$ 364.46	-	-
206-21-531-3	\$ 396.68	-	-
206-24-016-4	\$1,459.44	\$1,459.44	Juan Artiach
207-17-002-0	\$1,182.62	-	-
207-17-003-A-2	\$1,100.07	-	-
207-18-057-A-2	\$1,154.41	-	-
207-18-057-B-1	\$1,154.41	-	-
208-05-434-G-6	\$ 747.66	-	-
208-09-003-B-5	\$ 486.66	\$ 486.66	Mary Salas
302-40-011A	\$1,224.19	-	-
302-60-003-J-8	\$ 464.55		

At the time tax parcel number 302-40-011A was addressed, Martha Gonzales, Administrative Tax Collector for the Treasurer's Office, bid \$20 on behalf of Suzanne Arflin, who owns property adjoining the subject parcel. Vice-Chairman Christensen stated that the subject property is an easement road between Ms. Arflin's property and another private property. He advised that the subject property is the only ingress/egress to those properties. Vice-Chairman Christensen provided a history on the subject property stating the previous property owner divided 18 acres of land and in writing up his own deeds, failed to provide for the roadway. Taxes were not paid on the subject property for 7 consecutive years which resulted in the property being deeded to the State of Arizona. Vice-Chairman Christensen stated that the County has no responsibility for this road and he advised Ms. Arflin to reconsider her offer. Supervisor Salas asked for an opinion from County Attorney Daisy Flores. Ms. Flores advised that the Board may not want to sell this piece of property. Ms. Sheppard advised that per County policy the Board may not accept a bid that is less than the total lien amount during the annual tax sale/auction. She further advised of the County's sealed bid process which states that if a bidder can provide written proof of ownership of adjoining property at the time the sealed bid is submitted, the Board may consider accepting an amount less than the total lien amount. Ms. Arflin did not offer a higher bid at this time;

therefore, her bid of \$20 was rejected by the Board. Vice-Chairman Christensen referred Ms. Arflin to Ms. Sheppard for further details on the sealed bid process. Chairman Sanchez then called for other bids on this parcel three times and none were received. After all available parcels of land were addressed, Chairman Sanchez announced that the tax sale/auction was completed. For the record, tax parcel numbers 207-20-048-B0 and 207-20-048-C9 were also newly deeded to the State this year. The parcels were included in the tax sale/auction newspaper legal publication per statutory requirement; however, they were placed in a moratorium area and are not for sale because portions of the parcels are located within a public roadway.

A public hearing was held at 10:49 a.m. to address the adoption of Resolution No. 04-12-01 approving Planning and Zoning Case No. ZOA-04-03, an amendment to Section 105.2, Amendment Procedures Application/Commission Action, of Gila County's Zoning Ordinance. Terry Smith, Community Development Division Deputy Director/Planning and Zoning Manager, read the current and proposed language for this amendment which would become effective January 6, 2005, and advised that A.R.S. §11-829 and 11-251.05C contain procedures for such an amendment. The recommended changes for Section 105.2 read as follows: *"Upon submittal of a rezoning or specific plan application and prior to a public hearing, notification will be sent to adjacent landowners and other potentially affected citizens of the substance of the application. The applicant is responsible for written contact of all property owners within the notification area and of affected neighborhood associations, and shall offer to hold a meeting, with a specified date, for review of the proposed request. The Applicant shall provide written proof of a contact and offer of meeting to the Planning Department at least thirty days prior to the date of the public hearing by the commission. The request shall not be set for public hearing without such written proof."* The Gila County Planning and Zoning Commission unanimously recommended approval of this amendment to the Board of Supervisors. Chairman Sanchez called for public comment; none was offered.

Chairman Sanchez closed the public hearing at this time and asked for a motion. Upon motion by Supervisor Salas, seconded by Vice-Chairman Christensen, the Board unanimously adopted Resolution No. 04-12-01 approving Planning and Zoning Department Case No. ZOA-04-03. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

A public hearing was held at 10:54 a.m. to address the adoption of Resolution No. 04-12-02 approving Planning and Zoning Case No. ZOA-04-06, an amendment to Section 104.3, Use Districts (Special), of Gila County's Zoning Ordinance. Terry Smith read the current and proposed language for this amendment which would become effective January 6, 2005. The recommended changes for Section 104.3 read as follows:

*"3. Permitted Uses: (provided such uses meet the intent and purpose of the District).*

*o. Railroad, mining, metallurgical, or general agricultural uses on ~~two~~ **FIVE** or more contiguous commercial acres under one ownership. Such uses are exempt from any restrictive provisions of this Section.*

4. Lot Area and Dimensions:

*a. No lot shall hereafter be subdivided to provide less than seventy **TWO** thousand (72,000) square feet (commercial two acres) of area, a width of one hundred (100) feet, nor a depth of three hundred (300) feet, and provided further that no lot shall exceed a depth of six hundred fifty (650) feet, unless it can be shown that deeper lots will not block a future street pattern."* The Gila County Planning and Zoning Commission unanimously recommended approval of this amendment to the Board of Supervisors. Chairman Sanchez called for public comment; none was offered. Chairman Sanchez closed the public hearing at this time and asked for a motion. Upon motion by Vice-Chairman Christensen, seconded by Supervisor Salas, the Board unanimously adopted Resolution No. 04-12-02 approving Planning and Zoning Department Case No. ZOA-04-06. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

A public hearing was held at 10:59 a.m. to address the adoption of Resolution No. 04-12-03 approving Planning and Zoning Case No. ZOA-04-04, an amendment to Section 103.4, Restriction on Regulation, of Gila County's Zoning Ordinance. Terry Smith read the current and proposed language for this amendment which would become effective January 6, 2005. The recommended changes for Section 103.4 read as follows:

*"A. Nothing contained in this ordinance shall:*

*1. Affect existing uses of property or the rights to its continuing use, or the reasonable repair or alteration thereof, for the purpose for which it was used at the time the ordinance affecting the property takes effect.*

*2. Prevent, restrict, or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is 5 or more contiguous commercial acres. **Land shall be classified as being used for grazing purposes if 50% or more of the income from the land is derived from the use or rental of the land for grazing purposes. Land shall be classified as being used for general agricultural purposes if 50% or more of the income from the land is derived from the use or rental of the land for the production of agricultural products.***" The Gila County Planning and Zoning Commission

unanimously recommended approval of this amendment to the Board of Supervisors. Chairman Sanchez called for public comment; none was offered. Chairman Sanchez closed the public hearing at this time and asked for a motion. Upon motion by Supervisor Salas, seconded by Vice-Chairman Christensen, the Board unanimously adopted Resolution No. 04-12-03 approving Planning and Zoning Department Case No. ZOA-04-04. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**

A public hearing was held at 11:06 a.m. to address the adoption of Resolution No. 04-12-04 approving Planning and Zoning Case No. ZOA-04-05, an amendment to Section 102, Definitions, of Gila County's Zoning Ordinance. Terry Smith read the current and proposed language for this amendment

which would become effective January 6, 2005. The recommended definition changes for Section 102 reads as follows: “**Acre:** *An area of land forty three thousand, five hundred sixty square feet (43,560);* **Agriculture:** *Shall mean the tilling of the soil, raising of crops, horticulture, viticulture, silviculture, apiculture, aquaculture, small livestock raising, and/or pasture and range livestock production; including all uses incidental thereto, but not including commercial dairies, stockyards, feedlots, slaughterhouses, fertilizer yards, or plans for the reduction of animal matter or any other related industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes; nor including the concentrated single use operation of the raising of hogs, turkeys, chickens or fur bearing animals; and* **Commercial Acre:** *Thirty six thousand (36,000) square feet of land area, exclusive of streets and alleys and other non-developable square footage.*” The Gila County Planning and Zoning Commission unanimously recommended approval of this amendment to the Board of Supervisors. Chairman Sanchez called for public comment; none was offered. Chairman Sanchez closed the public hearing at this time and asked for a motion. Upon motion by Vice-Chairman Christensen, seconded by Supervisor Salas, the board adopted Resolution No. 04-12-04 approving Planning and Zoning Department Case No. ZOA-04-05. **(A copy of the Resolution is permanently on file in the Board of Supervisors’ Office.)**

Steve Stratton, Public Works Division Director, requested the Board to declare a portion of the Solid Waste Department equipment as surplus for the purpose of auctioning the equipment at a later date. Mr. Stratton stated that the County has five transfer stations scattered throughout the County, and each station has operated at a loss, with last year’s losses at around \$100,000 total. He stated everyone using the landfills is subsidizing these transfer stations which is unfair to the taxpayers. An analysis of the situation was conducted resulting in two possible solutions, as follows: 1) A secondary tax could be implemented for the those areas where each transfer station is located so the citizens utilizing those transfer stations would thereby subsidize them;

or, 2) there are individuals in the private sector who are interested in purchasing these transfer stations and believe that they can be profitable. Mr. Stratton stated that he believes government should not be competing against private enterprise, nor should the County be losing money in an enterprise operation. He asked that the Board declare two transfer trucks, a 1991 Kodiak and a 1996 Kenworth, and twelve 40-yard Rolloffs as surplus property. Mr. Stratton stated the equipment would be separate into two packages with the 1991 Kodiak and 3 Rolloffs for the northern area which would be Young, and the 1996 Kenworth and nine Rolloffs for the southern area of Gila County which would be Gisela, Tonto Basin and Roosevelt. A contract will be tied to the packages, which requires that the buyer operate those businesses for one year utilizing the equipment as stated above to ensure the citizens of Gila County the continued operation of the transfer stations. He also stated that a portable building located at the Young landfill, which was built a few years ago at a cost of \$5,000, should remain with that landfill or it could be moved to the Buckhead Mesa landfill. Mr. Stratton requested that the County use a sealed bidding process with a minimum amount set for each package. Chairman Sanchez asked about the properties where these transfer stations are located. Mr. Stratton advised that the properties are currently utilized through a special permit issued by with the U.S. Forest Service (USFS). The USFS has authorized permission for the County to sublet the property, although the County will have to maintain the original property due to existing landfills that are currently closed. Vice-Chairman Christensen asked if the actual containers are a part of the package; Mr. Stratton replied in the affirmative. Chairman Sanchez opened the meeting for public comment. Mr. Clancy Finman, a resident of Little Acres, Arizona, questioned if there would be a minimum bid, and he also questioned if there would be a control on the fees the private sector could charge to the public. Mr. Stratton advised the minimum amounts required for each piece of equipment. At the suggestion of County Manager John Nelson, Mr. Stratton advised that the contract would

contain language which specifies that the landfill rates will remain unchanged for a period of one year. Upon motion by Supervisor Salas, seconded by Vice-Chairman Christensen, the Board unanimously declared the following Solid Waste Department equipment as surplus for the purpose of auctioning the equipment at a later date: a) three Rolloffs at \$1,200.00 each for a total of \$3,600.00; b) one 1991 Kodiak at \$5,000.00; c) one portable building at \$5,000 for Pleasant Valley; d) one 1996 Kenworth at a minimum of \$15,000.00; and, e) nine 40-Yard Rolloffs at \$1,200.00 each for a total of \$10,800.00.

Mr. Stratton requested the award of Call for Bids No. 100604-1 for the purchase of four new pickups to be utilized by the Consolidated Roads Department. Mr. Stratton stated that upon the opening of the bids, it initially appeared that Clayton Ford was the lowest bidder, but because Clayton Ford does not pay sales tax in Gila County the amount of sales tax was deducted from McSpadden Ford's bid, making it the lowest bid received. Mr. Stratton recommended that all four bids be awarded to McSpadden Ford in the amount of \$39,926.04 for two three-quarter ton trucks with snow plows and \$39,774.70 for two three-quarter ton trucks without snow plows. Upon motion by Vice-Chairman Christensen, seconded by Supervisor Salas, the Board unanimously awarded Call for Bids No. 100604-1 to McSpadden Ford in the total amount of \$79,700.74.

Upon motion by Vice-Chairman Christensen, seconded by Supervisor Salas, the Board convened into executive session at 11:37 a.m. to seek legal advise on a request to authorize the Arizona Attorney General to represent Gila County in tax court case BHP vs. Gila County, Pinal County, and Arizona Department of Revenue, TX 2004-00741/TAX 04-0272 (a new case).

Upon motion by Supervisor Salas, seconded by Vice-Chairman Christensen, the Board reconvened into the regular meeting at 11:44 a.m.

Upon motion by Supervisor Salas, seconded by Vice-Chairman Christensen, the Board unanimously authorized the Arizona Attorney General to represent Gila County in the tax court case as stated above.



Upon motion by Supervisor Salas, seconded by Vice-Chairman Christensen, the Board unanimously approved the Consent Agenda, items A through Q, as follows:

- A. Accepted the FY2004 State Lake Improvement Fund Grant in the amount of \$107,064 from Arizona State Parks awarded to the Sheriff's Department for the purchase of two watercraft, and authorized the Chairman's signature on the Grant Participant Agreement.
- B. Adopted Resolution No. 04-12-05 which authorizes the Sheriff's Department to submit a FY2005 Law Enforcement and Boating Safety Fund Grant Application in the amount of \$159,198.20 to provide four lake patrol officers at Roosevelt Lake. **(A copy of the Resolution is permanently on file in the Board of Supervisors' Office.)**
- C. Appointed Curtis A. Ward as precinct committeeman to the Gila County Republican Committee.
- D. Approved an Intergovernmental Agreement between the Arizona Department of Revenue and Gila County whereby the Department of Revenue will provide data processing products and services to the County for its property taxation purposes for the period of January 1, 2005, through December 31, 2005.
- E. Authorized the Chairman's signature on a Consulting Agreement between Gila County and LL Decker & Associates, Inc. to conduct a study of Gila County's building permitting process for the purpose of recommending improvements.
- F. Authorized the Chairman's signature on two separate Amendments to Letter of Credit with Zion First National Bank for the Buckhead Mesa Landfill and the Russell Gulch Landfill to comply with ADEQ requirements for closure and post closure regulations.
- G. Approved a Professional Services Agreement between Gila County and Tetra Tech, Inc. for the Gila County Fairgrounds Entry Road Improvement Project – Phase I in the amount of \$12,200.

- H. Approved a Contract between the Gila County Health and Community Services Division, Office of Health Services, and the Coconino County Department of Health Services to provide HIV case management as defined under Title II of the Ryan White Care Act for the period August 1, 2004, through March 31, 2005, in an amount not to exceed \$29,000.
- I. Approved Amendment No. 2 to Contract No. HG361075 between the Gila County Division of Health and Community Services and the Arizona Department of Health Services for WIC (Women, Infants, and Children) Services in the amount of \$152,505 for contract year October 20, 2004, through September 30, 2005.
- J. Approved Amendment No. 3 to Contract No. HG361101 between the Gila County Division of Health and Community Services and the Arizona Department of Health Services for CSFP (Commodity Supplemental Food Program) Services in the amount of \$4,911.00 for contract year October 21, 2004, through September 30, 2005.
- K. Approved a Service Agreement between Gila County and the Payson Humane Society, Inc. to house impounded animals which have been picked up by the County officials, at a monthly base fee in the amount of \$2,448.00 for the period of July 1, 2004, to June 30, 2005.
- L. Appointed Retired Judge Edward L. Dawson as a Superior Court Judge Pro Tempore for Gila County for the term of one (1) year, from the period January 1, 2005, through December 31, 2005.
- M. Approved a Software License Agreement between Gila County Superior Court and Jury Systems Incorporated to upgrade Jury Plus Software in the amount of \$25, 018.
- N. Approved the October 2004 departmental activity reports submitted by the Clerk of the Superior Court and the Gila County Recorder, and the November 2004 monthly departmental activity reports submitted by the Globe Regional Constable.

- O. Approved the November 9, 2004, November 16, 2004, and November 23, 2004, Board of Supervisors' meeting minutes.
- P. Approved finance reports/demands/transfers for the weeks of November 22, 2004, and November 29, 2004. (separate handout)

**November 22, 2004:**

\$399,162.26 was disbursed for County expenses by voucher numbers X142754 through X142837, X142891, X360523 through X360666, and X360668 through X360738. The hand-issued warrants listing is as follows: voucher no. X360522 in the amount of \$94,397.00.

**November 29, 2004**

\$400,032.40 was disbursed for County expenses by voucher numbers X142883 through X142949 and X360744 through X360981. There were no hand-issued warrants.

- Q. Approved personnel reports/actions for the week of November 22, 2004, and November 29, 2004.

**November 22, 2004:**

Departure from County Service:

1. Constable – Payson Constable – 11-15-04 – General Fund -  
Gail Palmateer – Hire 06-20-00 – Elected position filled by Sam Brewer
2. Clerk/Receptionist – Health – 11-20-04 – Health Services Fund -  
Vicki DeAnda – Hire 01-29-97 – Resigned for other employment
3. Wellness Tutor – Gila Community College – 11-15-04 – College Fund -  
Tom Rothwell – Hire 11-25-03 – Resigned – leaving area
4. Video Technician – Gila Community College – 09-17-04 – College Fund  
Martha Mathewson – Temporary position

Hire to County Service:

5. GEST Program Manager – GEST – 11-29-04 – Grant Fund -  
David Caddell – replaces Jocelyn Horner

Departmental Transfer:

6. Assessor's Aide to Appraiser I – Assessor – 11-15-04 – General Fund -

Clarisa Mata – replaces Irene Mata

7. J.P. Court Clerk Supervisor to Interim Justice of the Peace – Payson  
Justice Court – 11-20-04 – General Fund – Dorothy Little

Position Review:

8. Salary Increase – Building Safety Assistant II – Community Development  
– 11-23-04 – General Fund – Margie Chapman – Increase due to  
certification as a building inspector
9. Salary Increase – Project Manager – Public Works Administration –  
11-29-04 – Public Works Admin. Fund – Tony Lopez – Increase due to  
multiple responsibilities
10. Anniversary Date Increase – 11-15-04 – Caryn Paige, Betty Casillas,  
Sherry Jiminez
11. Anniversary Date Increase – 11-29-04 – Rick Croy, Marilyn Cruz

Request Permission to Post:

12. Clerk/Receptionist – Health Services – position vacated by Vicki DeAnda

**SHERIFF'S PERSONNEL ACTION ITEMS**

Departure from County Service:

13. Dispatcher-911 – Payson S.O. – 11-25-04 – General Fund -  
William Daily – Hire 03-17-97 – Retirement
14. Dispatcher II – Payson S.O. – 11-15-04 – General Fund -  
Beverly Trester – Hire 09-01-03 – Resigned for personal reasons
15. Detention Officer – Globe S.O. – 11-24-04 – General Fund -  
Angela Ramirez – Hire 08-09-00 – Resigned – reason unknown

Hire to County Service:

16. Clerk/Secretary – Globe S.O. – 11-22-04 – General Fund -  
Joann Fane – replaces Nancy Ioli – part-time position

**November 29, 2004:**

Hire to County Service:

1. Clerk III – Recorder – 11-29-04 – General Fund - Connie Alvino

2. Constable – Payson Constable – 11-18-04 – General Fund -  
Sam Brewer

3. J.P. Court Clerk I – Globe Justice Court – 11-29-04 – General Fund -  
Angela Ramirez

Temporary Hire to County Service:

4. Sanitarian in Training – Health – 11-29-04 – Health Services Fund -  
Bhishm Naraine

Departmental Transfer:

5. Maintenance Technician – Facilities Management – 11-29-04 – Enterprise  
Fund - David Membrila – replaces Johnny Navarro in the jail  
maintenance section

End Probationary Period:

6. Court Clerk II – Payson Constable – 11-15-04 – General Fund -  
Magdalena Magdaleno

7. Training Specialist V – Community Services – 11-29-04 – Grant Fund -  
Freddie Denogean

Position Review:

8. Change fund code – Probation Secretary I – Probation – 11-15-04 – Case  
Processing Assistance Fund to Adult Probation Service Fees Fund – Leigh  
Ann Kenton

9. Appointment – Deputy Constable – Payson Constable – 12-01-04 –  
General Fund – Magdalena Magdaleno – No change in salary

10. Anniversary date increase plus COLA – Program Manager – Health –  
12-09-04 – Grant Fund – Sabra Van Orsdol

11. Anniversary Date Increase – 11-29-04 – Heather Ramsey, Judith  
Bourland, Karen Reves, Tina Chaffin

Request Permission to Post:

12. Caseworker – Child Support – Position vacated by Tatyana Ushakova

There being no further business to come before the Board of Supervisors,  
Chairman Sanchez adjourned the meeting at 11:48 a.m.

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José M. Sanchez, Chairman

ATTEST:

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John F. Nelson, County Manager/Clerk